

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3, 5-7, 9, 11-13, 15, 16, 18-20 and 22-26 are pending in the present application. Claims 1, 3, 5-7, 19 and 22-25 are amended by the present amendment. Support for the amended claims can be found in the original specification, claims and drawings.¹ No new matter is presented.

In the Final Office Action of May 6, 2009 (herein, the Final Office Action), Claims 22-25 are rejected under 35 U.S.C. § 112, first paragraph; Claims 1, 3, 5-7, 9, 11-13, 15, 16, 18-20 and 26 are rejected under 35 U.S.C. § 103(a) as unpatentable over Timmer (U.S. Pub. 2002/0107895) in view of Shurts (U.S. Pat. 5,572,673); and Claims 22-25 are rejected under 35 U.S.C. § 103(a) as unpatentable over Timmer in view of Shurts and An et al. (U.S. Pub. 2002/0077062, herein An).

The Office Action rejects Claims 22-25 under 35 U.S.C. § 112, first paragraph, asserting that the feature of “passively receiving metadata ...” is not supported by the originally filed specification.

In response, Claims 22-25 are amended to clarify this feature and recite “receiv[ing] metadata transmitted from a device located at an entrance of a facility without first transmitting a request for the metadata”. Support for this claimed feature can be found at least at p. 21, ll. 10 – 18 of the specification, which describes how data may be transmitted to a device by merely passing through an entrance of a location that transmits the metadata (i.e. without the device first transmitting a request for the metadata). This portion of the specification also describes seamlessly interacting with wireless environments regardless of the location of the user. Examples of such environments include restaurants, movie theaters,

¹ e.g., specification, at least at Figs. 8-13 and pp. 23-27.

and bowling alleys. A transmitter is installed at the entrances to these facilities without exception. That is, an infrastructure for writing data as users' history information (history data) is built, and when a user enters a movie theater, such information as "16:00, April 15, Titanic" is inputted to the information communication device 1 carried by the user. Thus, this metadata is transmitted from a device located at an entrance of a facility without the device first receiving a request for the transmission of this metadata from a mobile terminal.

Thus, a person of ordinary skill in the art would recognize that the inventor was in possession of the claimed invention at the time of filing and the written description requirement is satisfied. The rejection of Claims 22-25 under 35 U.S.C. § 112, first paragraph, should be withdrawn.

The Office Action rejects independent Claims 1, 7, 13, 16, 19 and 20 under 35 U.S.C. § 103(a) as unpatentable over Timmer in view of Shurts. Applicant respectfully traverses this rejection as amended independent Claims 1, 7 and 19, and previously pending independent Claims 13, 16 and 20 recite novel features clearly not taught or rendered obvious by the applied references.

Independent Claim 1, for example, is amended to recite, in part, a mobile information communication system which supports information exchange and fostering of human relations between a plurality of users, comprising:

- a mobile information communication device comprising
 - ... a central control unit which manages the storage of metadata in said metadata storage unit, wherein said central control unit:

- ... supplies, in response to an external access request from a stationary communication device, metadata from the metadata storage unit that matches a security level available to the external access request to the stationary communication device; and

- said stationary communication device configured to ***acquire metadata from said mobile information communication device and a plurality of other mobile information communication devices, compare the acquired metadata, and display common results from the acquired metadata based on the result of the comparison.***

Independent Claims 7, 13, 16, 19 and 20, while directed to alternative embodiments, recite similar features. Accordingly, the remarks and arguments presented below are applicable to each of the above noted independent claims.

As disclosed in an exemplary embodiment at Figs. 8-13 and pp. 23-27 of the originally filed disclosure, each of a plurality of mobile information communication devices (e.g. A and B) provide previously acquired metadata to a stationary communication device (e.g. C). The stationary communication device then compares the acquired metadata, and displays common results from the acquired metadata. Such a process is intended to facilitate interaction between users of each of a first and second stationary communication device who may have common interests.

In maintaining the rejection to a similar “comparing” feature previously recited in Claims 13, 16 and 20, the Advisory Action of August 19, 2009 (herein, the Advisory Action) continues to assert that this feature is analogous to supplying the metadata in response to a request based on the security level, as previously recited in independent Claim 1. Applicant respectfully traverses this assertion.

Particularly, the Final Office Action asserts that “claim 1 shows that the supplied data is the data that matches the security level available to the requestor. This inherently requires a comparing and determining whether the security level of data matches that of the requestor.”

However, “supplying ... metadata from the metadata storage unit that matches a security level available to the external access request” is not the same as “said stationary communication device configured to *acquire metadata from said mobile information communication device and a plurality of other mobile information communication devices, compare the acquired metadata, and display common results from the acquired metadata based on the result of the comparison.*” At best, the “supplying” limitation in Claim 1

requires that the communication device compare an access level of a received request to an access level of metadata stored in the communication device.

In maintaining the rejection of the “displaying” feature recited in Claims 16 and 20, the Advisory Action again relies on paragraph [0031] of Timmer, apparently asserting that the process of selecting or importing content from other sites to be included in the user’s personal website is analogous to displaying matching results based on a comparison. However, Timmer fails to teach or suggest that any such comparison is made. In Timmer, a user directly selects data for inclusion on her or his personal website. Thus, the personal website in Timmer does not “*compare the acquired metadata, and display common results from the acquired metadata based on the result of the comparison*”, as recited in amended independent Claim 1.

In summary, Timmer, even if combined with Shurts, fails to teach a system including a “stationary communication device configured to *acquire metadata from said mobile information communication device and a plurality of other mobile information communication devices, compare the acquired metadata, and display common results from the acquired metadata based on the result of the comparison,*” as recited in independent Claims 1, 7, 13, 16, 19 and 20.

Accordingly, for at least the reasons discussed above, Applicant respectfully requests that the rejection of Claims 1, 7, 13, 16, 19 and 20 (and any claims that depend therefrom) under 35 U.S.C. § 103 be withdrawn.

Regarding the rejection of Claims 22-25 under 35 U.S.C. § 103(a) as unpatentable over Timmer in view of Shurts and An, Applicant notes that Claims 22-25 depend from one of independent Claims 1, 7, 13 and 19, and are believed to be patentable for at least the reasons discussed above. Moreover, Applicant respectfully submits that An fails to remedy the above noted deficiencies of Timmer and Shurts.

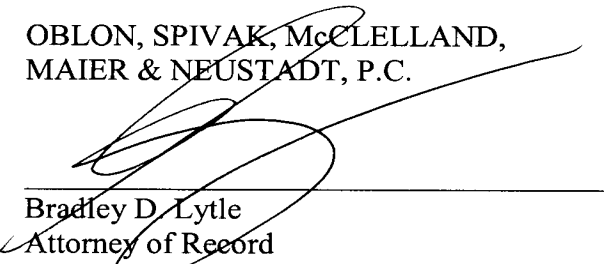
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Accordingly, Applicant respectfully requests that the rejection of Claims 22-25 under 35 U.S.C. § 103 be withdrawn.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1, 3, 5-7, 9, 11-13, 15, 16, 18-20 and 22-26 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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